

DIVISION OF SPECIAL EDUCATION

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State Advisory Council on the Education of Children With Disabilities

**Five Seasons Sports Club, 96th Street
Indianapolis, Indiana
August 10, 2001**

APPROVED MINUTES

Members present: Carolyn Heier, Mary Ramos, Julie Swaim, Bret Lewis, Brett Bollinger, David Schmidt, Rose Black, Terry Huser, Maureen Greer, John Viernes, Jackie Pitman, and Cathlene Hardy-Hansen

Staff present: Bob Marra, Paul Ash, Demaris Stewart, Sheron Cochran, Becky Bowman, and Cindy Conway

Guests: John Nally

Vice-Chair David Schmidt called the meeting to order at 9:10. The minutes from the April 20, 2001, meeting were provided to members for review. Brett Bollinger moved to approve the minutes as written. The motion seconded by Maureen Greer. No discussion ensued. The minutes were unanimously approved as written.

Paul Ash advised the council members that the Division would like them to serve as the steering committee for the Continuous Improvement Monitoring System (CIMS) process. The goal of this process is to have a state self-assessment completed by 12/21 for both Part C and Part B programs. This will require working together with Part C staff and the Governor's Interagency Coordinating Council on Infants and Toddlers (ICC). The Division has collected a lot of data that shows both good things and things in need of improvement. Paul shared the chronology of events with respect to CIMS. He also explained that, because of the Office of Special Education Program's (OSEP) cyclical process of monitoring states, Indiana was notified in last April that it would be monitored in the 2001-2002 cycle. OSEP has developed a "risk chart" for all states. Some of the "risk" factors for states included parent contacts to OSEP, least restrictive environment, state dropout rates, and how long it's been since the state was last monitored by OSEP. Paul reported that Indiana looked good except for the length of time since the last federal monitoring.

For the Part B self-assessment, OSEP identified 189 performance indicators for which data is to be collected. Indiana has attempted to model the state monitoring process after the federal process. Indiana is utilizing local and state steering committees, and all performance indicators are looked at in Indiana's CIMS process for Part B. Division monitoring staff attended a workshop on monitoring sponsored by OSEP in July. Paul reported that the Division's

monitoring staff as part of the self-assessment preparation is currently reviewing the data submitted by the special education planning districts. Each planning district has a local steering committee, and across the state more than 700 individuals have participated or will be participating in local steering committees as a means of mirroring the federal public participation activity.

Maureen Greer stated that it will be critical to include Part C people in the currently developed local steering committees in order to improve communication and to validate the accuracy of the data reported. She added that multi-agency participation is essential

Paul provided a copy of a completed CIMS manual to council members and described the contents. One of the sections contains a "statistical snapshot" that represents data currently available from various sources such as the Indiana Professional Standards Board (IPSB), the Division, and other divisions within the Indiana Department of Education. Section 14 is a snapshot of information about referrals, eligibility, timelines, etc. The information in this section allows staff to identify patterns and trends from this information relative to different regions in the state. The information also guides the Division in training or technical assistance needs.

Jackie Pitman asked if the planning districts utilize all of the information contained in the statistical snapshot. Paul responded that some of the information is more useful than other, and some districts have better information than we provide. For example, the snapshot identifies the number of limited licenses, and the majority is in special education. Although it seems like useful information, the IPSB reports only the number of limited licenses per school corporation, but does not identify the area of the limited license. Drop-out data in the snapshot shows that 14 year old's are dropping out, but upon further research it was discovered that students are being withdrawn to be home schooled, but because there is no category to record home-schooling, the withdrawal was categorized as a drop out.

John Viernes asked if the data could be cleaned or filtered before a final report is issued. Paul agreed and indicated that the Division needs to work with personnel to identify other coding options.

Maureen Greer asked about the data on suspension and expulsion and whether a comparison of data from Fort Wayne Community Schools and Indianapolis Public Schools would raise "red flag" for the Division. Paul indicated that such a comparison would not necessarily cause concern because of the variables the DOE expulsion form and the DOE suspension form report data each October from the previous school year. The comparative accuracy is not clear because of the variation in how the school corporations report the information.

Maureen then asked if the Division was using "triggers" or other benchmarks when evaluating the data reported as part of the CIMS to determine the existence of problems in a particular area. Paul reported that staff is concentrating on whether the planning district shows an improvement from last year. Many of the reporting areas are not compared against benchmarks; the focus is "are we getting better?". Maureen asked if the Division has determined a "level" at which it says "this is unacceptable." Paul indicated that if there is data that doesn't corroborate with other reported data or if there is a significant problem, staff advises the planning district, and further

checking is conducted. There have been 20,000 to 25,000 surveys conducted that corroborate information in other areas.

Bret Lewis asked if there is a correlation between a high number of limited licenses and a district doing poorly? Paul reported that the Division is only beginning to analyze the data; the past two years have focused on data collection. For example, the Division is beginning to look at whether there is a correlation between a high number of limited licenses in an area and a high number of suspensions and/or expulsions. Although no cause and effect has been established, it appears there may be some relationship between the two.

Paul had council members look in the CIMS binders at indicator #34 (student transition from Part C to Part B programs) and the information provided by the planning district in response to the indicator. Maureen pointed out that the school's CIMS binder that she was looking at showed that there were 43 students transitioning from Part C to Part B, but only nine of these students had IEPs in place by their third birthday. Last year fewer students had IEPs by their third birthday. Although the school showed improvement from one year to the next, nine of 43 students with IEPs by the third birthday is still unacceptable. The school indicates its improvement plan is to encourage the pre-school coordinator to look at process. Maureen asked what the Division's position is on this type of improvement plan. Paul indicated that monitoring staff has not yet conducted the validation visits and that such validation visit is the time that staff would follow up with the school on this information. Cindy Conway added that if staff determines a particular improvement plan is insufficient, the planning district is advised to submit a "better" improvement plan by a stated deadline.

Paul reported that the monitoring process looks at every indicator every year for every planning district. The monitoring process can be broad, frequent, or in-depth. The Division has chosen to make monitoring broad and frequent. The validation visits should take care of the in-depth function. Doing in-depth monitoring across the board limits the process to a three to four year cycle for the planning districts.

Paul then had council members look at indicators #84 and #85 that deal with students in correctional facilities. Paul reported that the Juvenile Justice Action Plan (JJAP) is an emerging area. Planning districts have a JJAP and recognize the need for continued services to students who are incarcerated. Although the data may be weak, this is consistent with the way things are nationwide. Paul reviewed the binder information on these two indicators.

David Schmidt commented that, when the numbers of affected students in Old National Trail and New Albany-Floyd County are compared, it's not really an "apples to apples" comparison. He also commented that when Department of Correction (DOC) receives students from the Lakeland School Corporation, it immediately wants the students' IEPs, which says a lot for the DOC system. Paul reported that support from the DOC, especially John Nally and Carolyn Heier, has been good.

John Nally indicated that the DOC is currently rolling out electronic IEPs. This improves the whole process, but it takes a long time to get the whole system up and running. He added that the

CIMS process has increased dialogue between DOC and the planning districts, which is a good side effect of the CIMS.

Brett Bollinger indicated that New Albany-Floyd County is still working on tracking the students who end up in a local or state correctional facility. The CIMS has helped them move forward on this.

Paul reported that Laurel Elliott of the Juvenile Justice Task Force has made copies of the information on indicators #84 and #85 for each planning district in order to follow up with those planning districts that need assistance with their JJAPs.

Paul next discussed the issue of overrepresentation of minorities in special education programs. Historically simple population percentages have been reviewed, comparing the state population, the special education population, and the minority population. Russ Skiba and IU began researching area of overrepresentation of minorities in special education -- premiere research in the nation -- and issued a report in December 2000. Information from this report is included in section 13 of the statistical snapshot. Incorporated into the CIMS information is the planning district's information on minority population by placement and exceptionality area. This is the first year of more accurate information in response to indicators #86 and #87. Paul reviewed the information in the binders on these indicators with council members. David Schmidt asked that council members be provided with a copy of Skiba's report at the next council meeting.

David asked if there was a single person who goes through the minutiae of the information contained in the binders. Paul indicated that there is a core team of three staff plus additional assigned staff who are reviewing the binders. August 15 is the deadline for completion of the binder review; the deadline is tied to the deadline for submission of Part B eligibility applications.

Brett Bollinger reported that this is just second year for the CIMS process and that it's difficult and extremely time consuming. Until we learn more about data, including how to collect and report out, much of this data may be suspect. A system will have to evolve as schools and the Division figure out how to incorporate the CIMS requirements with the requirements of PL 221. Paul commented that, as PL 221 becomes a driving force at the building level, the CIMS might evolve to a lesser task and/or document -- e.g., the CIMS may cover those performance indicators that are not already covered by the PL 221 plans.

Maureen Greer reported that OSEP is acknowledging that the process is cumbersome. A national task force, of which Maureen is a member, has been established to try to develop a balanced approach that supports districts, advocates, etc. Focused monitoring is likely to be the key. It is impossible for anyone to effectively monitor and validate 189 indicators; the focus needs to be on those things that are so important that everyone needs to be doing it. She believes the new process will be very focused and streamlined and that OSEP agrees it is difficult to monitor 189 indicators.

Jackie Pitman stated that it would be a shame to lose some of the valuable things that have resulted from the CIMS process, e.g., the increased DOC/planning district dialogue. Maureen

agreed that, although more streamlined and focused is desirable, if the process gives up broad levels, then the level of accountability has to be heightened and failures to be accountable have to result in sanctions. This may be the compromise reached at the federal level -- if something is critical it has to be enforced.

Paul and Maureen had received different information from OSEP on whether OSEP will issue written reports in response to the self-assessment submitted by the state. The sufficiency of the self-assessment report submitted will likely determine whether OSEP comes to the state for on-site monitoring.

Paul provided a copy of his article for the IN*Source newsletter regarding CIMS process and invitation for parents to be a part of that process. The newsletter has a circulation of approximately 7500 individuals.

Paul reported that Bob Marra, Becky Bowman, Maureen Greer and he met on August 9 regarding the process to ensue over the next four months -- what needs to happen and who needs to be involved. Both Part B and Part C have needed data and are using the data to address the indicators. Most states are using large committees to develop a product. Paul shared the Michigan self-assessment report that was submitted to OSEP last year and indicated that Indiana's self-assessment report on Parts B and C would be similar. He also reported that Michigan expended \$600,000 in their efforts that resulted in the final state self-assessment report.

Paul indicated that, as part of Indiana's process of compiling and validating data, the opportunity for input and public comment is critical in developing final product. He provided council members with a proposed timeline of activities for the self-assessment process, culminating in the submission of Indiana's self-assessment to OSEP on December 21, 2001.

Maureen Greer commented that the state-self assessment process must be viewed as a combined effort of Parts C and B that looks at the continuum from birth to age 22. She also reported that some states have operated separately, and this raised red flag with OSEP about lack of cooperation. This is not the situation in Indiana and it must be reflected in the process. The Steering Committee will provide report to ICC to this council, but the Steering Committee will include members of the ICC, this council, and additional members representing other constituencies. No one from DOE or the Division of Family and Children (DFC) will be on the Steering Committee, and this is intentional, although DOE and DFC will staff the committee. The timeline of activities is very tight in order to get everything done that is needed. Paul added that council members will be asked to self-select for participation on the Steering Committee, as well as asked to provide names of individuals who might be considered for subcommittee membership.

Dawn McGrath did a presentation for council members on "Connecting Best Practices to Standards Based Accountability Plugging into the Technology of ICAN. A handout on the presentation was also provided to council members.

After lunch was concluded, Bob Marra provided a Division update on the following:

Monitoring -- reiterated the desire that four council members need to serve on the Steering Committee and asked that one of the four members include the council chair.

Eligibility document -- OSEP requires Indiana to demonstrate its continued eligibility for Part B funds by submitting documentation of compliance with federal requirements. Indiana used Article 7 and the Self-Improvement Plan (SIP) to document compliance. After Indiana's initial submission of documentation, OSEP identified approximately 90 areas to be addressed, including revisions that need to be made to Article 7. The Division has addressed all but three of these areas. Once the final information is received and approved by OSEP, OSEP sends it to the US Department of Education's Office of General Counsel (OGC) for final review and final approval. OSEP has been unable to give the Division any indication of how long OGC's review will take. The Division hopes that OGC's review and approval are concluded within a relatively short period of time in order to begin the rule revision/promulgation process in January. OSEP required an assurance from the Division that the identified revisions would be in effect as of July 1, 2002, as a condition of eligibility for Part B funds. The council will be an important part of the revision process before submission to the State Board of Education for promulgation.

Reauthorization of the IDEA scheduled to occur in 2002. Maureen Greer commented that there is some reluctance to open up the IDEA for revision. Discipline continues to be controversial and contested issue. With the increased pressure comes increased desire to limit exposure to changes by opening up the Act. It is likely to be some time before any new regulations are issued as the result of any reauthorization in 2002.

Next council meeting December 7, 2001. Council will meet independently in the morning and combine with the ICC and Steering Committee for a meeting in the afternoon. Council may need to meet in January and March 2002, depending on the schedule for promulgating the revisions to Article 7. Council members, by consensus, agreed to tentative meeting dates of January 11 and March 8, 2002. A third meeting on Article 7 may be necessary.

Office move -- the Division is scheduled to move beginning the week of August 20. The new building may allow council meetings to be conducted on site. Public parking is available on top of the building.

Bret Lewis, Brett Bollinger, and Jackie Pitman volunteered to serve on the Steering Committee, along with the council chair.

Rose Black asked about the Part C "natural environment" subcommittee and what it would be reviewing. Maureen Greer reported the subcommittee would be looking at whether the data supports that services are being provided in natural environments. Mary Ramos asked about the work of the Part C "public awareness and child find" subcommittee. Maureen advised that the subcommittee would look at how the state is making the public aware of service availability.

David Schmidt stated that the council generally elects a chair and vice chair at the first council meeting of the school year. With Kathy Wodica's resignation, both positions need to be filled. Cathlene Hardy-Hansen nominated David for council chair. Rose Black seconded the nomination. No further nominations were made. A unanimous voice vote was in favor of David serving as council chair for the 2001-2002 school year. Brett Bollinger nominated Julie Swaim for vice chair. Maureen Greer and Cathlene seconded the nomination. No further nominations were made. A unanimous voice vote was in favor of Julie serving as council vice chair for the

2001-2002 school year. As Dr. Reed must make the formal appointments to these positions, Bob Marra will take the council's vote to Dr. Reed for approval.

The meeting was adjourned at 1:25.